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Message Text

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ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 SP-02 OES-07 DOE-15 INR-10
DODE-00 NSCE-00 NASA-01 ACDA-12 CIAE-00 PM-05
NSAE-00 SOE-02 SS-15 EB-08 NRC-05 CEQ-01 OIC-02
AF-10 ARA-10 EA-10 EUR-12 NEA-10 SSO-00 INRE-00
/154 R

DRAFTED BY L:L/UNA:DPSTEWART:MAB
APPROVED BY L:L/UNA:DPSTEWART
S/P:WGATHRIGHT
OES/APT/SA:IMPIKUS
IO/UNP:DAMACUK; DOE:BROCK
INR/STA:DPALMER
EUR/SOV:BZOOK; DOD/ISA:EMELANSON
NSC:BHUBERMAN
OSTP:AMORRISSEY
NASA/LI-15:NTERRELL
----------050351 302324Z /64
O R 302254Z MAR 78 ZFF4
FM SECSTATE WASHDC
TO USMISSION GENEVA NIACT IMMEDIATE
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 082402

E.O. 11652: GDS

TAGS: TSPA, UN, UR

SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE -- NUCLEAR POWER SOURCES

REF: GENEVA 4596

1. GIVEN BROADER CONTEXT OF THIS ISSUE, AND IN VIEW OF POSITIONS ALREADY TAKEN BY US AT SCIENTIFIC AND TECHNICAL CONFIDENTIAL

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SUBCOMMITTEE (STSC) AS WELL AS LEGAL SUBCOMMITTEE (LSC), DEL SHOULD AGAIN INDICATE GENERAL US SUPPORT FOR APPROPRIATE LSC FOLLOW-ON ACTION OF THE SORT CONTEMPLATED BY CANADA/SWEDEN/JAPAN PAPER (REFTEL). AS REPORTED, HOWEVER, PAPER DOES NOT APPEAR ENTIRELY CONSISTENT WITH OUR STSC POSITION OR UNDERSTANDING OF OPTIMAL METHOD OF PROCEEDING. DEL SHOULD INDICATE FOLLOWING CONCERNS AS APPROPRIATE

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IN EFFORT TO IMPROVE TEXT.

2. PAPER CONTEMPLATES LSC STUDY SIMULTANEOUSLY WITH (OR POSSIBLY PRECEDING) EFFORTS OF STSC TECHNICAL WORKING GROUP. WHILE THERE IS CLEARLY ROOM FOR SOME INDEPENDENT LSC ACTIVITY WITHIN SCOPE OF ITS OWN EXPERTISE (E.G., REVIEW OF EXISTING LEGAL TEXTS), OTHER ASPECTS OF LSC EFFORTS (E.G., WHAT FURTHER REQUIREMENTS ARE FEASIBLE) WILL REQUIRE SCIENTIFIC AND TECHNICAL BASIS AND SHOULD

FOLLOW (NOT PARALLEL) STSC STUDY. WE ARE NOT COMFORTABLE WITH IDEA (PARA 3 OF THE PAPER) THAT LSC CAN AND SHOULD DETERMINE FOR ITSELF WHAT ASPECTS OF THE ISSUE DO NOT REQUIRE SPECIAL SCIENTIFIC AND TECHNICAL STUDY, AND WE ARE CONCERNED THAT PAPER TENDS TO PLACE STSC WORKING GROUP IN THE BACKGROUND (FOR EXAMPLE, BY DESCRIBING LSC AS "FOCAL POINT"). AT A MINIMUM, PARA 1 SHOULD INDICATE THAT LSC WORK SHOULD BUILD ON AND REFLECT RESULTS OF STSC STUDY, IN ORDER TO MAKE CLEAR TO SOVIETS THE CONTINUED IMPORTANCE OF ACCEPTING ESTABLISHMENT OF TECHNICAL WORKING GROUP.

3. REFERENCE TO "STRINGENT" NOTIFICATION REQUIREMENTS MAY BE SOMEWHAT PREMATURE, SINCE IT IS AS YET UNCLEAR WHAT SPECIFIC INFORMATION WOULD OR SHOULD BE INCLUDED IN A NOTICE OR WHAT ACTION COULD BE TAKEN FOLLOWING ISSUANCE OF A NOTICE. ALTHOUGH WE HAVE IN THE PAST MADE ADVANCE CONFIDENTIAL

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PUBLIC ANNOUNCEMENT CONCERNING CERTAIN LAUNCHES INVOLVING NUCLEAR POWER SOURCES, A FORMAL REQUIREMENT OF ADVANCE NOTIFICATION PRIOR TO LAUNCH COULD POSE ADMINISTRATIVE AND OTHER DIFFICULTIES, AND IT IS UNCLEAR WHAT USEFUL PURPOSE IT WOULD SERVE. DEL SHOULD INDICATE STRONG PREFERENCE AT THIS POINT FOR NOTIFICATION OF LAUNCH OF NUCLEAR POWER SOURCES UNDER PROCEDURES FOLLOWED IN CONFORMANCE WITH REGISTRATION CONVENTION. PROVISION FOR NOTICE PRIOR TO IMPACT PRESENTS OBVIOUS DIFFICULTIES IN ASCERTAINING WHAT CONSTITUTES "REASONABLE GROUNDS" FOR NOTIFYING THOSE "CERTAIN STATES" (HOWEVER IDENTIFIED) WHICH MAY BE AFFECTED, DESCRIBING "NECESSARY" PRECAUTIONARY MEASURES ("APPROPRIATE" SEEMS THE BETTER WORD HERE), AND MAKING ACCURATE PREDICTIONS AS TO POINT OF IMPACT. FORMULATION OF THIS REQUIREMENT CLEARLY REQUIRES BENEFIT OF STSC STUDY AND SUBPART SHOULD BE REPHRASED IN MORE GENERAL TERMS. OBVIOUSLY, POST-IMPACT NOTIFICATION MAY NOT ALWAYS BE POSSIBLE.

4. USE OF "ADDITIONALLY" IN PARA 4 OF PAPER SUGGESTS POSSIBILITY OF GENERATING TWO SEPARATE DOCUMENTS, ONE ON SAFEGUARDS, THE OTHER ON NOTICE AND ASSISTANCE. WE CON-

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TINUE TO PREFER WORKING TOWARD A SINGLE DOCUMENT WITH THREE CO-EQUAL PARTS SETTING FORTH A COMPREHENSIVE REGIME EMPHASIZING SAFETY REQUIREMENTS TO BE SUBMITTED TO OSC. IN THIS REGARD, APPROPRIATELY REWORDED PARA 4 MIGHT BETTER BE PLACED AS SUBPART C OF PARA 2.

5. IN "RECOMMENDATION" PARA, WORDS "WITH THE OBJECTIVE OF FORMULATING ADDITIONAL LEGAL MEASURES" UNNECESSARILY PREJUDGE RESULTS OF LSC STUDY. WE WOULD PREFER LANGUAGE ALONG LINES OF ,FOR THE PURPOSE OF IDENTIFYING WHAT ADDITIONAL LEGAL MEASURES MAY BE NECESSARY...." COOPER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMITTEE MEETINGS, NUCLEAR FUELS, SPACE PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: L/UNA:DPSTEWART:MAB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780139-0133
Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1978/newtext/t1978036/aaaaafdg.tel
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Litigation History:
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Message ID: 17eba1c5-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
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Previous Handling Restrictions: n/a
Reference: 78 GENEVA 4596
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3306752
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL SUBCOMMITTEE -- NUCLEAR POWER SOURCES
TAGS: TSPA, UR, UN
To: GENEVA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/17eba1c5-c288-dd11-92da-001cc4696bcc
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